

as a student, Harris is smart, serious, balanced, and interesting. I am sure he was a good state judge and I am certain he will be a great addition [to the federal bench]. . .”—Excerpt from letter to Senators Leahy and Hatch, August 3, 2001.

*Roberta Ramo, Former President of the American Bar Association*

“As a former president of the American Bar Association, I have had the honor of knowing many of our finest judges. Among the elements of American democracy of which I am most proud stands the quality of our Federal Judiciary. Should he be confirmed by the United States Senate, I believe Mr. Hartz will, in his service, make each of us proud that we had a part in placing him on the 10th circuit.”—Excerpt from letter to Senator Hatch, August 9, 2001.

Mr. DOMENICI. Mr. President, I would like to share a quote from an editorial in one of our State's leading newspapers, the *Santa Fe New Mexican*:

The cerebral and academic Hartz is everything America wants in its judiciary.

Before becoming a judge, most of Judge Hartz's legal career was as a lawyer in Albuquerque, NM. During his first 3 years after law school he was an Assistant United States Attorney for the District of New Mexico. After teaching for a semester in 1976 at the University of Illinois College of Law, he spent 3 years with the New Mexico Governor's Organized Crime Prevention Commission, first as its attorney and then as executive director.

I believe Judge Hartz will be an excellent U.S. circuit judge because above all he is a person with great strength of character. He has the courage to render decisions in accordance with the Constitution and the laws of the United States. More important, I believe Judge Hartz will respect both the rights of the individual and the rights of society and will be dedicated to providing equal justice under the law. He understands and appreciates the genius of our Federal system and the delicate checks and balances among the branches of our National Government.

Judge Hartz also understands New Mexico because he was raised in Farmington. Judge Hartz's 29 years of experience both as a lawyer and a judge have prepared him well for the Tenth Circuit Court of Appeals. I believe Judge Hartz will be a fine circuit judge. I count him among my friends, and I recommend him highly to the Senate.

Mr. LEAHY. Mr. President, today, the Senate is taking final action on three additional judicial nominations. There are a total of nine judicial nominees who have been voted out of committee and are awaiting final action by the Senate. Today's confirmation of 1 circuit court and 2 district court judges will bring the total number of judges confirmed this year to 21. When the Senate completes its action on the nomination of the remaining 6 district court judges, we will have confirmed 27 judges since July, including 6 to the Courts of Appeals.

I congratulate today's nominees and their families on their nominations,

confirmations, and what is soon to be their appointments to the United States Court of Appeals for the Tenth Circuit and the United States District courts for Kentucky and the District of Oklahoma. I also commend each of the Senators who worked with the committee and the majority leader to help bring these nominations forward and to have the Senate act to confirm them.

The nominee to the Tenth Circuit Court of Appeals, Harris Hartz, comes to us with the strong support of both Senator DOMENICI and Senator BINGAMAN. He was the first nominee to a Court of Appeals received by the Senate this June. His nomination is an example of the sort of progress we can make on consensus nominees with bipartisan support. The Tenth Circuit is one of many Courts of Appeals with multiple vacancies, and which has had multiple vacancies long before this summer. My recollection is that President Clinton had at least two nominees for vacancies on the Tenth Circuit pending in 1999 and for several months last year, but neither was ever accorded a hearing or a vote before the Judiciary Committee or before the Senate. Had they and other previous nominees been acted upon promptly and favorably in years just past, of course, the circumstances in the Tenth Circuit and many other courts around the country would be different today. During 6½ years, the Republican majority in the Senate allowed only 46 nominees to be confirmed to the Courts of Appeals and left dozens of vacancies unfilled.

Just as we recently proceeded to confirm the first judge to the Fifth Circuit in 7 years, we are proceeding with Judge Hartz to provide some immediate relief to the Tenth Circuit. When confirmed, Judge Hartz will be the first new member of the Tenth Circuit in the last 6 years—since judges were confirmed to that Court in 1995 from Utah and Colorado.

Over the past 6½ years the average time it has taken for the Senate to consider and confirm Court of Appeals nominees had risen to almost 350 days. The time it has taken for Judge Hartz's nomination is about half of that, if measured from his initial nomination in June 2001. Of course, that nomination was returned to the White House when the Republican leader objected to keeping judicial nominations pending over the August recess. Accordingly, the nomination on which the Senate acts today was not received until this September. If measured from the time the committee received his ABA peer review to the time of his confirmation today, the process has taken only 112 days. He participated in one of the many October hearings and, having answered the written questions following his hearing, was reported by the committee in November.

The strong bipartisan support he has received from his Senate delegation paved the way for prompt action in one-third to one-half the time it used

to take on average to consider Court of Appeals nominees. Both of the district court nominees, Danny Reeves from the Eastern District of Kentucky and Joe Heaton for the Western District of Oklahoma, whom I supported at the committee and am pleased to support today, have moved through the process with the support of Democrats and Republicans relatively quickly.

Since July 2001, when the Senate was allowed to reorganize and the committee membership was set, we have maintained a strong effort to consider judicial and executive nominees. There are a total of nine judicial nominees who have been voted out of committee and are awaiting final action by the Senate. Today's confirmation of one circuit court and two district court judges will bring the total number of judges confirmed to 21. When the Senate completes its action on the nomination of the remaining six district court judges, we will have confirmed 27 judges since July, including six to the Courts of Appeals. That will be almost twice the total number of judges that were confirmed in all of 1989, the first year of the first Bush administration, and will include twice as many judges to the Courts of Appeals as were confirmed in the first year of the Clinton administration. It is also more judges that were confirmed in all of the 1996 session. Thus, despite all the obstacles, we exceeded the number of confirmations of judges during the first year of the first Bush administration by six, the last year of the first Clinton term by four, and we are on pace to confirm as many judges as were confirmed in the first year of the Clinton administration.

Our total of six Court of Appeals confirmations doubles the number of appellate court judges confirmed in the entire first year of the Clinton administration, one more than the number of appellate court judges confirmed in the first full year of the first Bush administration, and six more than were confirmed in the entire 1996 session, the last year of President Clinton's first term.

When I assumed the chairmanship, the number of vacancies on the Federal Bench was over 100 and quickly rose to 111. Since July, we have made significant progress. In spite of the upheavals we have experienced this year with the shifts in chairmanship, the vacancies that have arisen since this summer, and the need to focus our attention on responsible action in the fight against international terrorism, with the confirmation of these 9 nominees we will have reduced the number of vacancies to below 100 for the first time since early this year.

During the time a Republican majority controlled the process over the past 6½ years, the vacancies rose from 65 to at least 103, an increase of almost 60 percent. We are making strides to improve on that record. The President has yet to send nominations to fill more than half of the current vacancies. This is a particular problem with